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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,331	04/05/2000	Shozo Hattori	35.C14393	6706

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EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 12/11/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/543,331

Applicant(s)

HATTORI ET AL.

Examiner

Michael P Nghiem

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 1,2,8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The Amendment filed on October 17, 2001 has been acknowledged.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rib (claim 3) must be shown or the feature(s) cancelled from the claim(s). No new matter should be entered.

Claim Objections

2. Claim 2 is objected to because of the following informalities: "sais" (line 5) should be – said --. Appropriate correction is required.

Claim Rejections - 35 USC 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 3, 4, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 lacks antecedent basis, "the face of said absorbent abutting upon a rib"..

The remaining claims are also rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a rejected base claim.

Claim Rejections - 35 USC 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, and 10/(2, 8) are rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al. (EP 756 935).

Ono et al. discloses all the claimed features of the invention including:

- an ink tank (20) containing an ink absorbent (24, 25, 26) in the housing (22) of the ink tank (20) for storing ink in the interior thereof provided with a supply port (23a, 23b, 23c)

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for leading out ink to the outside, and an atmospheric communication port (column 5, lines 4-5) to be communicated with air outside, being formed by fiber material (column 5, lines 15-26) having:

- a surface formed at least by thermoforming (column 5, line 36 – column 6, line 6),
- the ink absorbent formed by fiber material has a face structured by a cut face (Figs. 2, 3's),
- two faces of said ink absorbent opposite to each other are cut faces (bottom and top surfaces of absorbent, Fig. 3a).

Allowable Subject Matter

5. Claims 3, 4, 9, and 10/(3,4,9) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 5-7 and 10/(5-7) are allowed.

Reasons For Allowance

7. The combination as claimed wherein the face of said ink absorbent abutting upon a rib on the inner face of said ink tank is the non-cut thermoformed face

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thereof (claim 3) or the face of said ink absorbent facing the atmospheric communication port of said ink tank is the non-cut thermoformed face thereof (claim 4) or the face of said ink absorbent facing the plane having the largest area on the inner face of said ink tank is a cut face thereof (claim 5) or said cut faces are parallel in the fiber direction (claim 9) is not disclosed, suggested, or made obvious by the prior arts of record.

Response to Arguments

8. Applicant's arguments filed on October 17, 2001 have been fully considered but they are not persuasive.

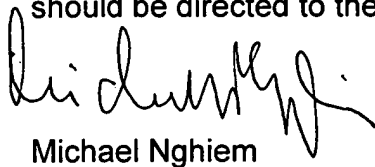
With respect to the drawing objection, Applicants argue that the rib feature of claim 3 needs not be shown since one of ordinary skill in the art would know that the orientation of the rib is on an inner surface of the ink tank.

Examiner's position is that without the rib feature shown, one of ordinary skill in the art would not know which face of the ink absorbent is the non-cut thermoformed face.

Applicant's arguments with respect to the art rejections have been considered but are moot in view of the new ground(s) of rejection.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0956.

A handwritten signature in black ink, appearing to read "Michael Nghiem", written in a cursive style.

Michael Nghiem

December 10, 2001